

HAMPTON ZONING BOARD OF ADJUSTMENT
MINUTES
January 16, 2014

Members Present

Bryan Provencal, Chairman
Ed St. Pierre, Clerk
Jack Lessard
Tom McGuirk
Bill O'Brien

Others Present

Kevin Schultz, Building Inspector
Joan Rice, Secretary

Chairman Provencal called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was said.

Board members were introduced.

PETITION SESSION

Chairman Provencal said Petition 46-13 – 73 Ocean Blvd. would not be heard at this meeting because there are not enough members of the Board able to vote on it.

Moved by Mr. O'Brien, seconded by Mr. Lessard, to continue Petition 46-13 until the February 20, 2014 meeting at which time it will be first on the Agenda.

Vote: 5 yes, 0 no. Motion passed unanimously.

01-14...The petition of Spring Board Properties, LLC for property located at 19 F Street seeking relief from Article I, Sec. 1.3, Article IV, Sec. 4.5.1 to add a second story deck over the existing front porch (12' x 6') where the front setback cannot be met. No part of proposed deck shall be constructed on Town property. This property is located on Map 287, Lot 36 and in the BS Zone.

Representatives of Spring Board Properties went through the five criteria and said they felt they had been met.

Questions from the Board

Mr. St. Pierre asked under Section 3 what harm would be suffered if this variance is not granted. The representative replied it would be the lack of the ability to provide enjoyment of the property by restricting a view of the beach. Mr. St. Pierre asked if there would be a second means of egress for safety purposes. The representative said there would be a second means of egress.

Mr. Schultz said Article 8 governs this property. Therefore if this is granted, under the new guidelines relief from 4.5.1 is not needed. Also the more articles of relief put on a property can be a blemish. If the multi-family setback is granted, it is not necessary to add the others.

Mr. O'Brien said the Planning Board was going to eliminate this requirement from the beach area. Mr. Schultz said there is a petition for new zoning at the beach. In the new zoning only BS and BS1 will have to defer to Article 4. Article 8 will continue to apply to zoning other than BS and BS1 where it will only have to meet the criteria.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Moved by Mr. McGuirk, seconded by Mr. Lessard, to grant Petition 01-14.

Chairman Provencal asked the Board if they felt the five criteria had been met. Chairman Provencal, Mr. St. Pierre, Mr. Lessard and Mr. McGuirk said that they had. Mr. O'Brien said he would abstain.

Vote: 4 yes, 0 no, 1 abstention (O'Brien). Motion passed.

02-14...The petition of Swain Corner, LLC for property located at 421 Lafayette Road seeking relief from Articles 4.1, 4.1.1, 4.2, 4.3, 4.5.1, 4.52, 6.1, 6.3.4, 8.2.1, 8.2.2, 8.2.3 and 8.2.6 to construct a 3-story mixed commercial/residential building with eight one-bedroom residential units where variances are needed for lot size, density, setbacks and a recreation area. This property is located on Map 160, Lot 24 and in the B Zone.

Attorney Peter Saari, Casassa & Ryan, Joe Coronati, Jones & Beach, and Architect Mike Keene came forward. Attorney Saari said the petitioner is trying to keep with the spirit of what the Planning Board is doing. The building will be three stories high, 33 feet to the top of the third floor plus 13 feet to the roof. The first floor is retail and the next two floors will be residential. This is downtown. The setbacks are not needed. Every building on that stretch until the hardware store is on the property line. This project will bring more life to the Town. The petitioner believes this is the best use for this property. Attorney Saari went through the five criteria and said he felt they had been met.

Mr. Coronati presented the site plan for the property. Some of the parking is under the building. The rest of the parking is out to the back of the property. The site is 60' x 120'.

Mr. Coronati said there is no sidewalk on Swains Court today. They want to include a sidewalk along Swains Court.

Mr. Keene discussed the building plans. He said this will be a traditional New England building. They have gone with a pitched roof for aesthetic value.

Questions from the Board

Mr. St. Pierre asked if there would be only one retail business. Mr. Keene said there would probably be only one.

Mr. McGuirk asked how many variances would be needed under the new guidelines. Attorney Saari said they would probably need only four.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Mr. McGuirk said he likes this project. It is in the spirit of what has been discussed.

Mr. St. Pierre said he had a problem with the amount of variances requested. Mr. St. Pierre said he did like the parking in back and the sidewalk. He said he was okay with the parking for the business being off-site. Mr. McGuirk said under new guidelines, it will go from 12 variances to 4 variances needed. Mr. O'Brien asked if the new changes are now in effect. Mr. Schultz replied that they are. Mr. O'Brien said in that case all that is needed is relief from the 8 series of variances.

Mr. Lessard expressed concern about density affecting abutters. Mr. O'Brien said he would like to see 5 foot setbacks.

Moved by Mr. McGuirk, seconded by Mr. O'Brien, to grant Petition 02-14 with the stipulation that that the foundation is 5 feet from the side setbacks going up to the roof including the awnings and overhang.

Chairman Provencal asked the Board if they felt the five criteria had been met. All members agreed that they had.

Vote: 4 yes, 1 no (Lessard). Motion passed.

03-13...The petition of Edmond B. Loughlin, Jr. as Member of Concord Avenue Holdings, LLC for property located at 21 and 23 Concord Avenue seeking relief from Articles 1.3, 4.5.1, 4.5.2 (Lot 99 only), 8.2.3, 8.2.4 and 8.2.5 to combine the two lots and lift the building on the left (Lot 98) and the front building on the right (Lot 99) to obtain adequate off street parking with corresponding extensions of front stairs where relief from setbacks and driveway/parking area construction is needed. This property is located on Map 296, Lot 98 and 99 and in the RB Zone.

Ed Loughlin, Petitioner, and Attorney Peter Saari came forward. Attorney Saari said one building has three units and virtually no parking at all. The lot next to it has only two units and a lot of space, but not enough parking for everyone. The solution is to combine the two lots and to lift the buildings to provide underneath parking. This would necessitate a couple of stairways that would encroach on the setbacks. The footprint will stay the same. Attorney Saari went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. St. Pierre asked what the front setback is now for the stairs. Mr. Loughlin said it is 10.5 feet.

Mr. O'Brien asked why the entrance could not be on the left-hand side and put the stairs in front and put the decks in the space in between. Attorney Saari said this would cause the loss of one parking space. Mr. Loughlin said the reason that was not considered is because the abutters requested that the space not be used as a working driveway. Mr. O'Brien said he would prefer going up the left-hand side and putting the stairs between the two buildings.

Comments from the Audience

Loretta Schuck, 14-16 Boston Avenue, said that Mr. Loughlin takes very good care of his property. Ms. Schuck said she supported this petition.

Ed Smith, 11 Boston Avenue, said he supports this petition because of the increase in parking.

Back to the Board

Moved by Mr. McGuirk, seconded by Mr. Lessard, to grant Petition 03-14.

Chairman Provencal asked the Board if they felt the five criteria had been met. Chairman Provencal, Mr. St. Pierre, Mr. Lessard and Mr. McGuirk said that they had. Mr. O'Brien said he would abstain.

Vote: 4 yes, 0 no, 1 abstention (O'Brien). Motion passed.

BUSINESS SESSION

Approval of the Minutes

Moved by Mr. O'Brien, seconded by Mr. St. Pierre, to approve the Minutes of December 19, 2013 as amended.

Vote: 5 yes, 0 no. Motion passed unanimously.

Chairman Provencal discussed the appointment of Alternates to the Zoning Board. He said a letter of interest was received from Ken Lessard and Rick Griffin and Matt Shaw have also expressed interest.

Moved by Mr. St. Pierre, seconded by Mr. McGuirk, to appoint Ken Lessard as Alternate to the Hampton Zoning Board of Adjustment until March 2016.

Vote: 5 yes, 0 no. Motion passed unanimously.

Moved by Mr. St. Pierre, seconded by Mr. McGuirk, to appoint Rick Griffin as Alternate to the Hampton Zoning Board of Adjustment until March 2015.

Vote: 5 yes, 0 no. Motion passed unanimously.

Moved by Mr. St. Pierre, seconded by Mr. McGuirk, to appoint Matt Shaw as Alternate to the Hampton Zoning Board of Adjustment until March 2015.

Vote: 5 yes, 0 no. Motion passed unanimously.

Adjournment

There being no further business, the meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Joan Rice
Secretary